# Montana Legislative History

Chapter: 271 Session L: 1979

Bill Number: 212 **House**

**Checklist of Bill History**

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|---|---|
| History and Final Status Sheet | x |
| Introduced Bill | X |
| Fiscal Note | N/A |
| Third Reading Bill | X |
| Final Version of Bill | X |

**House**

Committee:
Labor and Employment

Hearing Date(s):
Jan. 30, 1979
Feb. 6, 1979

**Senate**

Committee:
Labor and Employment Relations

Hearing Date(s):
March 3, 1979

**Conference Committee**

Hearing Date(s): n/a

Conference Committee Report:

**Compiler Notes**

Compiled by: sg

Date: Mar. 8, 2024

Notes:

CHAPTER NO. 221

HOUSE BILL NO. 212

INTRODUCED BY SOUTH, FASBENDER

IN THE HOUSE

| | |
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| January 17, 1979 | Introduced and referred to Committee on Labor and Employment Relations. |
| February 7, 1979 | Committee recommend bill do pass as amended. Report adopted. |
| February 8, 1979 | Printed and placed on members' desks. |
| February 9, 1979 | Second reading, do pass. |
| February 10, 1979 | Considered correctly engrossed. |
| February 12, 1979 | Third reading, passed. Transmitted to second house. |

IN THE SENATE

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|---|---|
| February 13, 1979 | Introduced and referred to Committee on Labor and Employment Relations. |
| March 5, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 7, 1979 | Second reading, concurred in. |
| March 10, 1979 | Third reading, concurred in as amended. |

IN THE HOUSE

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| March 12, 1979 | Returned from second house. Concurred in as amended. |

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| March 14, 1979 | Second reading, amendments adopted. |
| March 15, 1979 | Third reading, amendments adopted. Sent to enrolling. |
| | Reported correctly enrolled. |

HOUSE BILL NO. 212

INTRODUCED BY South Jacobs

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COLLECTIVE BARGAINING OF PUBLIC EMPLOYEES; EXCEPTING CONFIDENTIAL EMPLOYEES FROM THE DEFINITION OF A PUBLIC EMPLOYEE; RESTRICTING LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF THE BOARD OF PERSONNEL APPEALS TO UNAFFILIATED LABOR ORGANIZATIONS; AMENDING SECTION 39-31-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-31-103, MCA, is amended to read:

"39-31-103. Definitions. When used in this chapter, the following definitions apply:

(1) "Public employer" means the state of Montana or any political subdivision thereof, including but not limited to any town, city, county, district, school board, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and any representative or agent designated by the public employer to act in its interest in dealing with public employees.

(2) "Public employee" means a person employed by a public employer in any capacity, except elected officials, persons directly appointed by the governor, supervisory employees ~~and~~, management officials, and confidential employees, as defined in subsections (3) and, (4), and (12) below, or members or of any state board or commission who serve the state intermittently, school district clerks and school administrators, registered professional nurses performing service for health care facilities, professional engineers and engineers-in-training, and includes any individual whose work has ceased as a consequence of or in connection with any unfair labor practice or concerted employee action.

(3) "Supervisory employee" means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, having responsibility to direct them, to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(4) "Management officials" means representatives of management having authority to act for the agency on any matters relating to the implementation of agency policy.

(5) "Labor organization" means any organization or association of any kind in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages,

rates of pay, hours of employment, fringe benefits, or other conditions of employment.

(6) "Exclusive representative" means the labor organization which has been designated by the board as the exclusive representative of employees in an appropriate unit or has been so recognized by the public employer.

(7) "Board" means the board of personnel appeals provided for in 2-15-1705.

(8) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(9) "Unfair labor practice" means any unfair labor practice listed in 39-31-401 or 39-31-402.

(10) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(11) "Appropriate unit" means a group of public employees banded together for collective bargaining purposes as designated by the board.

(12) "Confidential employee" means an employee who





assists and acts in a confidential capacity to a person who formulates, determines, or administers management policies in the field of labor relations or personnel management."

NEW SECTION. Section 2. Labor organization representing employees of the board to be unaffiliated. A labor organization representing employees of the board may not affiliate or associate itself with a labor organization that represents any employees other than employees of the board. The board may not certify a labor organization as the exclusive representative of the employees of the board if, at the time of certification or thereafter, the labor organization is associated or affiliated with a labor organization that represents employees other than employees of the board.

Section 3. Codification. It is intended that section 2 be codified as an integral part of Title 39, chapter 31, part 2; and the provisions of Title 39, chapter 31, apply to section 2.

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 212

INTRODUCED BY SOUTH, FASBENDER

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO COLLECTIVE BARGAINING OF PUBLIC EMPLOYEES; EXCEPTING CONFIDENTIAL EMPLOYEES FROM THE DEFINITION OF A PUBLIC EMPLOYEE; RESTRICTING LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF THE BOARD OF PERSONNEL APPEALS TO UNAFFILIATED LABOR ORGANIZATIONS; AMENDING SECTION 39-31-103, MCA."

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(2) "Public employee" means a person employed by a public employer in any capacity, except elected officials, persons directly appointed by the governor, supervisory employees and, management officials, and confidential employees, as defined in subsections (3) and, (4), and (12) below, or members or of any state board or commission who serve the state intermittently, school district clerks and school administrators, registered professional nurses performing service for health care facilities, professional engineers and engineers-in-training, and includes any individual whose work has ceased as a consequence of or in connection with any unfair labor practice or concerted employee action.

(3) "Supervisory employee" means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, having responsibility to direct them, to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(4) "Management officials" means representatives of management having authority to act for the agency on any matters relating to the implementation of agency policy.

(5) "Labor organization" means any organization or association of any kind in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages,



SECOND READING

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(6) "Exclusive representative" means the labor organization which has been designated by the board as the exclusive representative of employees in an appropriate unit or has been so recognized by the public employer.

(7) "Board" means the board of personnel appeals provided for in 2-15-1705.

(8) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(9) "Unfair labor practice" means any unfair labor practice listed in 39-31-401 or 39-31-402.

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(11) "Appropriate unit" means a group of public employees banded together for collective bargaining purposes as designated by the board.

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DIRECTLY assists and acts in a confidential capacity to a person who formulates, determines, or administers management policies in the field of labor relations or personnel management."

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THIRD READING

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REFERENCE BILL

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-End-

March 5, 1979

SENATE STANDING COMMITTEE REPOR
(Labor & Employment Relations)

That House Bill No. 212 be amended as follows:

1. Page 3, line 25 through line 4 on page 4.
Following: "means" on line 25
Strike: Line 25 through "management" on line 4, page 4
Insert: "any person found by the board to be a confidential labor relations employee and any person employed in the personnel division, department of administration, who acts with discretionary authority in the creation or revision of state classification specifications"

JANUARY 30, 1979
PROCEEDINGS OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

The meeting was called to order by Chairman Williams at 12:30 p.m. The secretary took roll. Representatives Fagg and Ellerd were absent. All other members were present.

HOUSE BILL 212: Rep. Carroll V. South, sponsor, said he introduced this bill on behalf of the Dept. of Administration and the State Labor Relations Bureau. The purpose of the bill is to exempt confidential employees from the definition of public employees. He introduced Mr. Bill Gosnell, State Personnel Division, who spoke for the bill. He introduced LeRoy Schramm, Labor Relations Bureau, who also spoke in favor of the bill (exhibit 1).
The following proponents spoke and gave written testimony:
Lee Kent Rodegaugh, City of Great Falls (exhibit 2).
Linda Skaar, Board of Personnel Appeals, Helena (exhibit 3).
James R. Campbell, City of Helena (exhibit 4).
David G. Goss, City of Billings (exhibit 5).
The following said they would support HB 212 with amendments:
Thomas Schneider, Montana Public Employees Association (exhibit 6).
Don Judge, AFSCME, AFL-CIO, Helena (exhibit 7).

There were no opponents to the bill. Questions were asked by the Committee.

HOUSE BILL 214: Rep. Dozier, sponsor, said the bill basically updates the apprenticeship law. Rep. Dozier submitted amendments to the Committee (exhibit 8).

Proponents to HB 214 were: Terry Bass, Montana Counties Association, said he came prepared to oppose the bill, but after hearing testimony and the amendments, is a proponent.

Dave Fuller, Commissioner, Department of Labor and Industry, said the Department needs this bill to bring their statutes into compliance with national guidelines.

Carol Bush, Dept. of Labor and Industry, spoke and submitted written testimony (exhibit 9).

There were no opponents.

HOUSE BILL 323: Rep. Harrington, sponsor, said this is a very simple, but important bill. He said many people are surprised the law is still on the books. He said a similar bill was passed in 1977, but was vetoed by the Governor.

Proponents were: Phil Campbell, Montana Education Associaton, said that teachers, who do not want to bargain, use this law.
Thomas Schneider, Montana Public Employees Association, said that for the good of labor relations, he supports this bill.
Don Judge, AFSCME, AFL-CIO, left written testimony (exhibit 10).
There were no opponents.

EXECUTIVE SESSION

HOUSE BILL 33: The secretary read the minutes of the subcommittee meeting on HB 33 (Exhibit 11). Rep. O'Connell made a motion that HB 33 DO NOT PASS. The motion carried 12-3. Reps. Seifert, Stobie, and Porter voted no.

HOUSE BILL 143: Discussion among Committee members. Action Postponed.

HOUSE BILL 129: A motion was made by Rep. Dozier that HB 129 DO NOT PASS. Motion carried 12-3. Reps. Harper, Pavlovich, and Porter voted no.

HOUSE BILL 177: It was moved by Rep. Harrington that HB 177 DO NOT PASS. Motion carried 8-7. Reps. O'Connell, Porter, Seifert, Stobie, Teague, Underdal, and Wyrick voted no.

HOUSE BILL 54: A motion was made by Rep. Seifert that HB 54 DO NOT PASS. Rep. Harrington made a substitute motion that HB 54 DO PASS. Rep. Teague made a substitute motion to all motions pending that HB 54 be placed in a subcommittee. Motion carried 12-3. Reps. Wyrick, Seifert, and Williams voted no.

Chairman Williams appointed Reps. Teague, Underdal, and Dassinger to the subcommittee on HB 54. Rep. Teague, chairman.

Meeting adjourned at 2:20 p.m.

J. Melvin Williams, Chairman

Lois South, Secretary

FEBRUARY 6, 1979
PROCEEDINGS OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

The meeting was called to order by Chairman Williams at 12:30 p.m. The secretary took roll. All members were present.

The purpose of the meeting was to take executive action on the following bills:

HOUSE BILLS 53 and 190: Rep. Harper began discussion on the bills and submitted amendments (exhibit 1) that would move HB 53 into HB 190. Rep. Harper made a motion that the amendments DO PASS. Motion carried. Rep. Teague voted no. Rep. Dozier moved that HB 190 DO PASS AS AMENDED. Rep. Teague offered amendments to HB 190 (exhibit 2) and made a substitute motion that the amendments DO PASS. Discussion was held among the committee members. Question was called. Rep. Teague's substitute motion failed 16-1. Rep. Teague voted yes. The committee voted on Rep. Dozier's motion that HB 190 DO PASS AS AMENDED. Motion carried 13-4. Reps. Teague, Seifert, Ellerd, and Stobie voted no.

HOUSE BILL 129: Rep. Pavlovich, sponsor, said he had HB 129 brought back to the committee because he thought they did not realize the importance of the bill. Rep. Stobie made a motion to reconsider HB 129. Motion carried unanimously.

Rep. Pavlovich asked Fred Barrett, Dept. of Labor and Industry to explain the significance of the bill to the committee. Mr. Barrett said that an attorney won a case against them in court 2 years ago, when they tried to collect a claim that had been paid in error. He said they then discovered a flaw in the law. He said the department can collect for fradulent claims and he was referring to department errors or payments that should never have been made at all. He said Montana is the only state that does not have a law that will allow the department to collect in such cases. He said they have received notice from their regional office that it is a requirement of the federal government that they be able to collect claims that have been paid in error. He said they need this bill to correct the law and make legal what they are already doing.

Rep O'Connell moved that HB 129 DO PASS. Motion carried unanimously.

HOUSE BILL 54: The subcommittee reported back to the committee on HB 54. Rep. Teague submitted amendments to the committee (exhibit 3). After lengthy discussion, Rep. Ellerd moved that HB 54 be held for further study and be considered with HB 177. Motion carried. Reps. Seifert and Stobie voted no.

Chairman Williams appointed Reps. Menahan, Harper, and Underdal to a subcommittee. Rep. Harper was appointed chairman.

HOUSE BILL 158: It was moved by Rep. Menahan that HB 158 DO NOT PASS. Motion carried. Reps. Porter, Ellerd, Wyrick, and Underdal voted no.

HOUSE BILL 212: The committee discussed the amendments (exhibit 4) to HB 212. Rep. Dozier made a motion to move the amendments. Motion carried unanimously. Rep. O'Connell moved that HB 212 DO PASS AS AMENDED Motion carried unanimously.

HOUSE BILL 331: It was moved by Rep. Harper that HB 331 DO PASS. Motion carried unanimously.

HOUSE BILL 349: was moved for the day.

HOUSE BILL 378: It was moved by Rep. Manning to adopt the amendments. Motion carried 13-4. Reps. Seifert, Underdal, Stobie, and Ellerd voted no. It was moved by Rep. Manning that HB 378 DO PASS AS AMENDED. Motion carried 13-4. Reps. Seifert, Underdal, Stobie, and Ellerd voted no

HOUSE BILL 302: It was moved by Rep. Menahan that HB 302 DO PASS. Motion carried. Reps. Seifert, Wyrick, Stobie, Fagg, Porter, Ellerd, and Underdal voted no.

HOUSE BILL 333: It was decided that HB 333 should be held for a fiscal note.

HOUSE BILL 349: It was decided that HB 349 should be held for a fiscal note.

HOUSE BILL 362: It was moved by Rep. Menahan, seconded by Rep. O'Connell that HB 362 DO NOT PASS. A substitute motion was made by Rep. Fagg that HB 362 be held until next Thursday. Motion carried. Reps. Menahan, Harrington, Pavlovich, and Dassinger voted no.

Meeting adjourned at 3:15 p.m.

J. Melvin Williams

J. Melvin Williams, Chairman

Lois South

Lois South, Secretary

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

March 3, 1979

The meeting of the Labor and Employment Relations Committee was called to order by Chairman Lowe on March 3, 1979, in Room 404 of the State Capitol at 1:00 p.m.

ROLL CALL: All members were present with the exception of Senator Palmer who was excused.

Chairman Lowe opened the hearing on House Bill #212 and asked Representative Fasbender of District #17 to address the Committee. Representative Fasbender explained that the bill related to collective bargaining of public employees and exempting confidential employees from the definition of a public employee and that these confidential employees must be represented by unaffiliated labor organizations.

Mr. LeRoy H. Schramm, representing the Labor Relations Bureau of the Personnel Division and the Governor's Advisory Task Force on Collective Bargaining, informed the Committee that this law would put Montana in line with other state laws and did not limit the employees from joining unions as long as they were independent unions.

Mr. Maurice J. Mulcahy, representing the AFSCME, AFL/CIO and the Montana Police Protective Association, stated that they would support the bill if his proposed amendment was included in the bill. Mr. Mulcahy's amendment is attached as Exhibit "A".

There were no opponents to House Bill #212.

Representative Fasbender agreed to carry the bill on the floor.

Senator Smith moved the amendment which carried unanimously. Senator Smith then moved the bill as amended which also passed unanimously.

The hearing on House Bill #378 was then opened with Representative Manning of Great Falls addressing the Committee. Representative Manning explained that although the Department of Labor & Industry had been charged with the enforcement of the Montana Maternity Act, this act did not give the Department any authority to enforce this act and that House Bill #378 would give them that authority. Representative Manning explained that the Department had received 55 verified complaints and 26 violations in cases where employers had terminated employees due to pregnancy, but that the Department's hands were tied due to the lack of the enforcement authority. Mr. Manning's testimony is attached as Exhibit "B".

Mr. Dick Kane, representing the Labor Standards Division of the Department of Labor and Industry, then spoke in favor of House Bill #378 and his testimony is attached as Exhibit "C".

Ms. Gail Stoltz, representing herself, addressed the Committee in favor of House Bill #378 explaining that she had been one of the initiators of the original bill and leaving out an enforcement procedure was an oversight at the time the bill was drafted.

There were no opponents to House Bill #378, so this hearing was closed.

Chairman Lowe then opened the hearing on House Bill #548 and asked Representative Harper of District 30 to address the Committee on this bill. Representative Harper explained that this act was designed to change the benefit year for unemployment compensation so that the Department would not have an overlap every three or four years when the first day of the work week went into the previous year.

Mr. Rich Clough, representing the Employment Security Division, explained to the Committee that at the present time the way the benefit year was established, it caused two claims which were submitted at the end of one year and the beginning of the next year, to fall within the same month.

There were no opponents to House Bill #548.

Senator Smith moved the bill which passed unanimously. Senator Smith also moved that this bill be placed on the Consent Calendar which carried unanimously. It was agreed that Senator Lowe would carry House Bill #548.

Senator Smith moved that House Bill #378 do pass and withdrew his motion as there were members of the Committee who were awaiting additional information on this bill.

There being no further business, the meeting adjourned at 2:00 p.m.

William R. Lowe

Senator William R. Lowe, Chairman

Exhibit 19

# AMENDMENTS TO HOUSE BILL 212

Amend House Bill 212 on Pages 3 and 4 as follows:

On page 3, Line 25

Following: "Confidential employee" means

Strike: an employee who directly assists and acts in a confidential capacity to a person who formulates, determines, or administers management policies in the field of labor relations or personnel management."

Insert: any person ~~ruled upon~~ found by the Board to be a confidential labor relations employee and those persons employed in the Personnel Division, State Department of Administration, who act with discretionary authority in the creation or revision of state classification specifications."

Exhibit "B"

HOUSE BILL NO. 378

MR. SPEAKER, I RISE IN SUPPORT OF THIS LEGISLATION, "AN ACT TO GIVE THE COMMISSIONER OF LABOR AND INDUSTRY AUTHORITY TO ENFORCE MATERNITY LEAVE PROVISIONS THROUGH A DISTRICT COURT PROCEEDING".

THE MONTANA MATERNITY LEAVE ACT IS A LAW WHICH ASSURES CERTAIN JOB RIGHTS TO WOMEN WHO BECOME PREGNANT. THIS ACT MAKES IT UNLAWFUL FOR AN EMPLOYER TO:

TERMINATE AN EMPLOYEE BECAUSE SHE IS PREGNANT;

TO REFUSE TO GRANT HER A REASONABLE LEAVE FOR CHILDBIRTH AND RECOVERY;

TO DENY COMPENSATION OR DISABILITY BENEFITS TO A WOMAN WHILE SHE IS DISABLED DURING HER PREGNANCY AND CHILDBIRTH, AND;

TO REQUIRE A WOMAN TO TAKE A MANDATORY MATERNITY LEAVE FOR AN UNREASONABLE AMOUNT OF TIME.

THE ACT ALSO REQUIRES AN EMPLOYER TO REINSTATE A WOMAN AT THE END OF HER LEAVE.

SINCE OCTOBER 1977 THE LABOR COMMISSIONER HAS RECEIVED 55 VERIFIED COMPLAINTS FROM MONTANA WOMEN. THROUGH THE PROCESS OF AN ADMINISTRATIVE HEARING THE LABOR COMMISSIONER HAS FOUND 26 VIOLATIONS OF THIS ACT. THE REMAINING COMPLAINTS WERE SETTLED BETWEEN THE WOMAN AND HER EMPLOYER PRIOR TO A HEARING OR THE

LABOR COMMISSIONER FOUND NO VIOLATION AND DISMISSED THE COMPLAINT. ONE LARGE EMPLOYER (MOUNTAIN BELL) WAS FOUND TO HAVE VIOLATED THIS ACT 26 TIMES. THE COMMISSIONER FOUND THAT THESE 26 WOMEN WERE DUE ABOUT $38,000.00.

AS WOMEN IN MONTANA BECOME MORE FAMILIAR WITH THE ACT, MORE COMPLAINTS WILL BE FILED.

THE ORIGINAL ACT PROVIDED THAT THE LABOR COMMISSIONER COULD ORDER AN EMPLOYER TO REINSTATE A WOMAN TO HER JOB AND TO PAY HER THE DAMAGES WHICH RESULTED FROM THE EMPLOYER'S VIOLATION OF THE MONTANA MATERNITY LEAVE ACT. THE ACT DID NOT SPECIFICALLY PROVIDE A METHOD FOR ENFORCEMENT OF THE ORDER. THIS AMENDMENT PROVIDES A SPECIFIC METHOD FOR THE ENFORCEMENT OF THE COMMISSIONER'S ORDER AND ELIMINATES ANY POSSIBLE UNCERTAINTY.

THE METHOD IS IDENTICAL TO THAT PROVIDED IN THE WAGE PAYMENT ACT (SECTION 39-3-212 MCA). THE METHOD WHICH IS USED IN THE WAGE PAYMENT ACT IS WELL TESTED AND IS UNDERSTOOD BY THE DEPARTMENT OF LABOR AND INDUSTRY, ATTORNEYS, AND THE COURTS. ON AT LEAST TWO OCCASIONS THIS METHOD WAS TESTED IN AND UPHELD BY THE SUPREME COURT. (GARSJO V. DEPT. OF LABOR & INDUSTRY AND DEPARTMENT OF LABOR AND INDUSTRY V. HOLMAN AVIATION).

IT SHOULD BE EMPHASIZED THAT IF AN EMPLOYER FEELS THAT THE ORDER OF THE LABOR COMMISSIONER IS WRONG, THE EMPLOYER CAN FILE A PETITION FOR JUDICIAL REVIEW IN DISTRICT COURT WITHIN THIRTY DAYS OF RECEIPT OF COMMISSIONER'S ORDER. IF THE EMPLOYER DOES NOT FILE FOR JUDICIAL REVIEW, OR DOES NOT COMPLY WITH THE ORDER THE COMMISSIONER APPLIES FOR A JUDGMENT TO ENFORCE HIS ORDER. THEREFORE, THIS ACT DOES NOT DEPRIVE AN EMPLOYER OF THE RIGHT OF APPEAL THAT HE CURRENTLY HAS UNDER THE EXISTING LAW.

THE MATERNITY LEAVE ACT IS A GOOD LAW. THIS ACT CLARIFIES THE COMMISSIONER'S POWER TO ENFORCE THIS ACT. THEREFORE, I URGE YOU TO VOTE IN FAVOR OF THIS BILL.

Exhibit "E"

Mr. Chairman, members of the committee, for the record I am Dick Kane, Administrator of the Labor Standards Division, Department of Labor and Industry. I am here today in support of House Bill 378.

The Montana Maternity Leave Act is a law providing for certain job rights for women who become pregnant. The Maternity Leave Act makes it unlawful for an employer to;

terminate employment,

refuse to grant reasonable leave,

to deny compensation or disability benefits due the woman,

to retaliate against the employee who files a complaint, or

to require that an employee take mandatory leave for an unreasonable amount of time.

The employer is also required to reinstate the employee at the end of her leave.

The Commissioner of Labor has the authority to investigate, make findings of fact and to order the employer to pay the complainant any damages resulting from a violation.

If an employer chooses to ignore the Commissioner's order the present statute does not provide for any remedy.

Other laws administered by the Department of Labor and Industry address this problem by providing that the orders of the Commissioner are enforceable by application to district court.

In such a process the Commissioner will apply to district court for a court order enforcing the Commissioner's order, or for a judgement against the employer.

Without enforcement power, the Maternity Leave Act is very difficul to administer.

The Maternity Leave Act is a good law and I urge you to vote in favor of this bill.

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date March 3, 197

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| HAROLD C. NELSON, VICE CHAIRMAN | ✓ | | |
| GARY AKLESTAD | ✓ | | |
| HAROLD L. DOVER | ✓ | | |
| WILLIAM F. HAFFERMAN | ✓ | | |
| JOHN (SANDY) MEHRENS | ✓ | | |
| BOB PALMER | | | ✓ |
| ELMER D. SEVERSON | ✓ | | |
| RICHARD G. SMITH | ✓ | | |
| BILL R. LOWE, CHAIRMAN | ✓ | | |

Attach to minutes each day

NAME: LeRoy H. Schramm DATE: 2-3-79

ADDRESS: Labor Relations Bureau

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: will be brief

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MAURICE J. Mulcahy DATE: 3-3-78

ADDRESS: 522 No. Franklin ST

PHONE: 782-8560 - 442-1192 - 442-3327

REPRESENTING WHOM? A.F.S.C.M.E. AFL CIO, Montana Police Protective Assn.

APPEARING ON WHICH PROPOSAL: H.B. 212

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Gosnell DATE: 3/2/79

ADDRESS: Helena

PHONE: 449-2871

REPRESENTING WHOM? IBEW Pension

APPEARING ON WHICH PROPOSAL: HB 212

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Karl Ciecan DATE: 4-2-17

ADDRESS: 538 W. 12th St. Erie PA 16501

PHONE: 412-445

REPRESENTING WHOM? Explor. U.S.A. Inc.

APPEARING ON WHICH PROPOSAL: HB 245

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Represent Explor USA

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MAURICE J. MULCAHY DATE: 3-3-78

ADDRESS: 522 No. FRANKLIN ST.

PHONE: 752-8560 - 442-3327 - 442-1152

REPRESENTING WHOM? A.F.S.C.M.E. A.F.L-C.I.O

APPEARING ON WHICH PROPOSAL: H.B. 378

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE Labor & Empl Rels COMMITTEE

BILL _____ VISITORS' REGISTER DATE 2-3-79

| NAME | REPRESENTING | BILL # | (check one) SUPPORT | OPPOSE |
|---|---|---|---|---|
| [illegible] | [illegible] | | | |
| Phil Ward | | | | |
| Doug Ward | | | | |
| Larry C. Fay | | | | |
| Howard Hammack | Dept of Revenue | 212 | — | |

# STANDING COMMITTEE REPORT

March 1 19 79

MR. PRESIDENT

We, your committee on LABOR & EMPLOYMENT RELATIONS

having had under consideration HOUSE Bill No. 212

South (Fasbender)

Respectfully report as follows: That HOUSE Bill No. 212

third reading bill, be amended as follows:

1. Page 3, line 25 through line 4 on page 4.
Following: "means" on line 25
Strike: Line 25 through "management" on line 4, page 4
Insert: "any person found by the board to be a confidential labor relations employee and any person employed in the personnel division, department of administration, who acts with discretionary authority in the creation or revision of state classification specifications"

And, as so amended
BE CONCURRED IN

Senator William E. Love, Chairman.

STATE PUB. CO.
Helena, Mont.

# STANDING COMMITTEE REPORT

March 1 19 79

MR. President:

We, your committee on Labor & Employment Relations

having had under consideration House Bill No. 543

Parker (Lowe)

Respectfully report as follows: That House Bill No. 543

BE CONCURRED IN
AND PLACED ON CONSENT CALENDAR

DO PASS

Senator William R. Lowe Chairman.

STATE PUB. CO.
Helena, Mont.